

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jason Alan Hertzog,)	
)	C/A No.: 8:05-0944-MBS
Plaintiff,)	
)	
vs.)	
)	
Horry County; Tom Fox, Director, Horry)	O R D E R
County Detention Center; and Debbie)	
Hipp, LPN, Horry County Detention)	
Center,)	
)	
Defendants.)	
)	

Plaintiff Jason Hertzog currently is incarcerated at the J. Reuben Long Detention Center in Horry County, South Carolina. Plaintiff, appearing pro se, alleges he was denied medical attention for complications resulting from Crohn's Disease. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights.

This matter is before the court on Defendants Horry County and Tom Fox's motion for summary judgment filed June 20, 2005. By order filed July 1, 2005, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed a response to Defendants' motion on August 2, 2005. Also before the court is Defendant Debbie Hipp's motion for summary judgment, which motion was filed October 17, 2005. A second Roseboro order was issued on October 18, 2005. Plaintiff filed a response on November 15, 2005.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On January 17, 2006, the Magistrate Judge filed a Report of Magistrate Judge in which she recommended that Defendants'

motions for summary judgment be granted. Plaintiff has filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report of Magistrate Judge and incorporates it herein by reference. Accordingly, Defendants' motions for summary judgment are **granted**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 7, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.